

STEVE WILDMAN AND JON)
BORCHERDING, INDIVIDUALLY AND)
AS REPRESENTATIVES OF A CLASS)
OF SIMILARLY SITUATED PERSONS,)
AND ON BEHALF OF THE AMERICAN)
CENTURY RETIREMENT PLAN,)
)
Plaintiffs,) CASE NO. 16-CV-737
v.)
)
AMERICAN CENTURY SERVICES, LLC,)
THE AMERICAN CENTURY)
RETIREMENT PLAN RETIREMENT)
COMMITTEE, AMERICAN CENTURY)
INVESTMENT MANAGEMENT, INC.,)
AMERICAN CENTURY COMPANIES,)
INC., CHRISTOPHER BOUFFARD,)
BRADLEY C. CLOVERDYKE,)
JOHN A. LEIS, TINA S. USSERY-)
FRANKLIN, MARGARET E. VAN)
WAGONER, GUDRUN S. NEUMANN,)
JULIE A. SMITH, MARGIE A.)
MORRISON, AND JOHN DOES 1-20,)
)
Defendants.)

Case 4:16-cv-00737-DGK Document 34 Filed 10/04/16 Page 1 of 4

Defendants American Century Services, LLC, the American Century Retirement Plan Retirement Committee, American Century Investment Management, Inc., American Century Companies, Inc., Christopher Bouffard, Bradley C. Cloverdyke, John A. Leis, Tina S. Ussery-Franklin, Margaret E. Van Wagoner, Gudrun S. Neumann, Julie A. Smith, Margie A. Morrison, Chat Cowherd, and Diane Gallagher (“Defendants”) respectfully move this Court for an Order dismissing Plaintiffs’ First Amended Complaint in its entirety pursuant to Federal Rule of Civil Procedure 12(b)(6), as more fully set forth in the accompanying Suggestions in Support of Defendants’ Motion to Dismiss the First Amended Complaint, and granting such other and further relief as the Court deems just and proper.

There are several grounds for this motion. First, Plaintiffs’ claims are time-barred under the three-year state of limitations contained in the Employee Retirement Income Security Act of 1974, as amended. Second, the First Amended Complaint fails to state cognizable claims under Federal Rule of Civil Procedure 12(b)(6).

Dated: October 4, 2016

Respectfully submitted,

BRYAN CAVE LLP

By: /s/ W. Perry Brandt
W. Perry Brandt MO # 28292
1200 Main Street, Suite 3500
Kansas City, MO 64105
(816) 374-3200
(816) 374-3300 (Fax)
perry.brandt@bryancave.com

GOODWIN PROCTER LLP

James O. Fleckner (*admitted pro hac*)
Alison V. Douglass (*admitted pro hac*)
Dave Rosenberg (*admitted pro hac*)

100 Northern Avenue
Boston, MA 02210
(617) 570-1000
(617) 523-1231 (Fax)
jflexner@goodwinlaw.com
adouglass@goodwinlaw.com
drosenberg@goodwinlaw.com

ATTORNEYS FOR DEFENDANTS

ACTIVE/88025428

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 4th day of October, 2016, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to the following counsel of record:

Michael F. Brady
Mark Kistler
Brady & Associates
10985 Cody Street, Suite 135
Overland Park, Kansas 66210
Phone: (913) 696-0925
Fax: (913) 696-0468
Email: brady@mbradylaw.com

Kai H. Richter
Carl F. Engstrom
Jacob T. Schutz
Nichols Kaster, PLLP
4600 IDS Center, 80 South 8th Street
Minneapolis, Minnesota 55402
Phone: (612) 256-3200
Fax: (612) 338-4878
Email: krichter@nka.com

Attorneys for Plaintiff

s/ W. Perry Brandt

W. Perry Brandt